

Magistrate Judge James P. Donohue

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ERNEST WAGNER,

Defendant.

NO. MJ18-566

MOTION FOR DETENTION

The United States moves for pretrial detention of the Defendant, pursuant to 18 U.S.C. 3142(e) and (f)

1. **Eligibility of Case.** This case is eligible for a detention order because this case involves (check all that apply):

- ☒ Crime of violence (18 U.S.C. 3156).
- ☐ Crime of Terrorism (18 U.S.C. 2332b (g)(5)(B)) with a maximum sentence of ten years or more.
- ☐ Crime with a maximum sentence of life imprisonment or death.
- ☐ Drug offense with a maximum sentence of ten years or more.

- ☐ Felony offense and defendant has two prior convictions in the four categories above, or two State convictions that would otherwise fall within these four categories if federal jurisdiction had existed.
- ☐ Felony offense involving a minor victim other than a crime of violence.
- ☐ Felony offense, other than a crime of violence, involving possession or use of a firearm, destructive device (as those terms are defined in 18 U.S.C. 921), or any other dangerous weapon.
- ☐ Felony offense other than a crime of violence that involves a failure to register as a Sex Offender (18 U.S.C. 2250).
- ☒ Serious risk the defendant will flee.
- ☐ Serious risk of obstruction of justice, including intimidation of a prospective witness or juror.

2. **Reason for Detention.** The Court should detain defendant because there are no conditions of release which will reasonably assure (check one or both):

- ☒ Defendant's appearance as required.
- ☒ Safety of any other person and the community.

3. **Rebuttable Presumption.** The United States will invoke the rebuttable presumption against defendant under 3142(e). The presumption applies because:

- ☐ Probable cause to believe defendant committed offense within five years of release following conviction for a qualifying offense committed while on pretrial release.
- ☐ Probable cause to believe defendant committed drug offense with a maximum sentence of ten years or more.
- ☐ Probable cause to believe defendant committed a violation of one of the following offenses: 18 U.S.C. 924(c), 956 (conspiracy to murder or kidnap), 2332b (act of terrorism), 2332b(g)(5)(B) (crime of terrorism).

- 1 ☒ Probable cause to believe defendant committed an offense involving a
2 victim under the age of 18 under 18 U.S.C. 1591, 2241, 2242, 2244(a)(1),
3 2245, 2251, 2251A, 2252(a)(1) through 2252(a)(3), 2252A(a)(1) through
4 2252A(a)(4), 2260, 2421, 2422, 2423 or 2425.


5 4. **Time for Detention Hearing.** The United States requests the Court
6 conduct the detention hearing:

- 7 ☒ At the initial appearance
8 ☐ After a continuance of ____ days (not more than 3)

9
10 DATED this 11th day of December, 2018.

11 Respectfully submitted,

12 ANNETTE L. HAYES
13 United States Attorney

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15 MATTHEW P. HAMPTON
16 Assistant United States Attorney
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